APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
FRENEL, VANEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/611,165	CALHOUN ET AL.
	Examiner	Art Unit
	Vanel Frenel	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 March 2003* .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 03/11/00. Claims 1
and 12 have been amended. Claims 13-20 have been added. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Rieker et al (5,832,447) and Warady et al (6,067,522).

(A)   As per claim 1, Rieker discloses a database for use in a web-based managed
care transaction system (Col.5, lines 25-67 to Col.6, line 12), comprising:

a memory (Col.7, lines 59-67 to Col.8, line 24); and

a set of data tables organized into a logical entity in the memory and including
for each member (Col.8, lines 25-49):

a master account table (Col.7, lines 24-47, The Examiner interprets capture process to
be a form of master account table). Rieker does not explicitly disclose a member table;
and a set of one or more member history tables associated with the member table,
each member history table associated with a given employer plan, wherein said logical

entity is persistent over changes to each members' changes within said employer plan.

However, these features are known in the art, as evidenced by Warady. In particular, Warady suggests a member table which the Examiner interprets to be an employee status table (See Col.5, lines 6-13); and a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan, wherein said logical entity is persistent over changes to each members' changes within said employer plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Warady within the system of Rieker with the motivation of providing one health and welfare benefit plan provider as a result of the enrollment of the at least one person in the at least one health and welfare benefit plan in accordance with the data entered into the one of the single computerized database management (See Warady Col.3, lines 6-25).

(B)   As per claim 2, Warady discloses the database wherein the set of data tables includes an employer table having associate therewith a set of one or more employer plan tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(C)   As per claim 3, Warady discloses the database wherein a given employer plan table identifies a given employer plan (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(D)   As per claim 4, Rieker discloses the database further including a managed care organization (MCO) table having associated therewith a set of one or more MCO product plan tables (Col.1, lines 15-67).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(E)   As per claim 5, Warady discloses the database wherein a given MCO product plan table has associated therewith the set of one or more employer plan tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(F)   As per claim 6, Warady discloses the database wherein a given member history table has associated therewith a set of one or more coordinated benefits tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(G) As per claim 7, Warady discloses the database wherein a given member history table has associated therewith a set of one or more assigned primary care physician (PCP) tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(H) As per claim 8, Warady discloses the database wherein an assigned PCP table has associated therewith a provider

affiliation table (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(I) As per claim 9, Warady discloses the database wherein the set of data tables further includes a provider information table (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(J)   As per claim 10, Warady discloses the database wherein the provider information table includes a set of one or more provider affiliation tables, a set of one or more hospital affiliation tables, and a set of one or more provider staff tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

(K)   As per claim 11, Warady discloses the database wherein the set of data tables includes a staging area table that includes data which tracks the member through various transaction events (Col.5, lines 42-67 to Col.6, line 11).

The motivation for combining the respective teachings of Rieker and Warady are as discussed above in the rejection of claim 1, and incorporated herein.

4.   Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieker et al (5,832,447), Warady et al (6,067,522) and Bessette (6,263,330)

(L)   As per claim 12, Rieker discloses a database for storing a set of data tables organized into a persistent logical entity wherein said logical entity maintains data on each member in spite of status changes and including for each member (See Rieker Col.7, lines 1-67):

a master account table (See Rieker Col.7, lines 24-47, The Examiner interprets capture process to be a form of master account table); a member table which the Examiner interprets to be an employee status table (See Warady Col.5, lines 6-13); and

a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan (See Warady Col.5, lines 6-54). The collective teachings of Rieker and Warady do not explicitly disclose a web-

based managed care transaction system accessible over a computer network using a client browser, comprising a transaction server.

However, these features are known in the art, as evidenced by Bessette. In particular, Bessette suggests a web-based managed care transaction system accessible over a computer network using a client browser, comprising a transaction server (See Bessette Col.14, lines 38-67 to Col.15, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Bessette within the collective teachings of Rieker and Warady with the motivation of providing a network system for distributed storage of records, said network system including: a server managing a database, said database containing a plurality of records of respective individuals (See Bessette Col.5, lines 29-32).

(A)   As per claim 13, Rieker discloses a plurality of functional modules (Col.5, lines 25-67);

a transaction processor (Col.5, lines 25-67);

a managed care organization (mco) subsystem interfaced to said transaction processor (Col.1, lines 15-67);

a database wherein a logical entity retains data representative of users received healthcare within said database persistent across changes to a user's healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

The collective teachings of Rieker and Warady do not explicitly disclose a network-based managed care system comprising a network-based server; at least one

client machine on which a graphical user interface operates; a network-based subsystem comprising: a multiplexer.

However, these features are known in the art, as evidenced by Bessette. In particular, Bessette suggests a network-based managed care system comprising a network-based server (See Fig.1; Col.6, lines 16-67); at least one client machine on which a graphical user interface operates (See Fig.1; Col.6, lines 16-67); a network-based subsystem comprising: a multiplexer (The Examiner interprets interfaces 702, 704 and 706 to be a form of multiplexer Col.9, lines 17-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Bessette within the collective teachings of Rieker and Warady with the motivation of providing a network system for distributed storage of records, said network system including: a server managing a database, said database containing a plurality of records of respective individuals (See Bessette Col.5, lines 29-32).

(B)   As per claim 14, Rieker discloses the network-based managed care system wherein said functional modules comprise:

an enrollment module (Fig.10A (item 1);

billing module (Fig.10A (item 2);

messaging module (Fig.10B (items 79-81); and

inquiry module (Fig.10B (item 79).

(C)   As per claim 15, Warady discloses the network-based managed care system wherein changes to a user's health plan occur as a user changes employment (See Warady, Col.4, lines 1-67 to Col.5, line 64).

The motivation for combining the respective teachings of Rieker, Warady and Bessette are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(D)   As per claim 16, Warady discloses the network-based managed care systems wherein changes to a user's health plan occur as a user changes their healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

The motivation for combining the respective teachings of Rieker, Warady and Bessette are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(E)   As per claim 17, Besette discloses the network-based managed care system wherein the network comprises an Internet (Col.1, lines 15-35).

The motivation for combining the respective teachings of Rieker, Warady and Bessette are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(F)   As per claim 18, Warady discloses the network-based managed care system wherein said the database contains a historical record of care provided to said user (Col.10, lines 42-67).

The motivation for combining the respective teachings of Rieker, Warady and Bessette are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(G)   As per claim 19, Warady discloses the network-based managed care system wherein said persistent logical entity comprises a healthcare administrative record (Col.4, lines 1-20).

The motivation for combining the respective teachings of Rieker, Warady and Bessette are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

(H)   As per claim 20, Warady discloses the network-based managed care system wherein said persistent logical entity spans a user's change in employment plans (Col.5, lines 65-67 to Col.6, line 53).

The motivation for combining the respective teachings of Rieker, Warady and Bessette are as discussed above in the rejection of claims 1, 12 and 13 and incorporated herein.

Response to Arguments

4.   Applicant's arguments filed 3/11/03 regarding claims 1-12 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in order in which they appear in the response filed 3/11/03.

(A)   At page 9, Applicant argues that there is no motivation, teaching or suggestion to combine Rieker et al. with Warady et al. Therefore, the rejection on a combination of these references is inappropriate. Further, Applicant argues Warady fails to teach a

logical entity that persists and maintains a continuous healthcare record despite changes in employment, eligibility, and healthcare plans.

In response to first argument, the Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir.1992). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant claimed invention (See paper number 7). Therefore, Applicant argument is not persuasive.

In response to the second argument, the Examiner respectfully suggests that Warady discloses "the data and instructions can be entered by any number of entities including, for example, an employee, employer, benefit plan provider, or third party" which corresponds to Applicant claimed feature (See Warady, Col.9, lines 45-67 to Col.10, line 67; Col.12, lines 52-67). Therefore, Applicant argument is not persuasive.

(B)   At page 10, Applicant argues that Bessette fails to teach a network-based managed care system. Furthermore, Bessette fails to teach the administrative toolset provided by the presentation which provides a persistent logical entity that spans a

members change in healthcare plans, employers, and eligibility and a persistent logical

entity may be used to complete and more efficiently process and manage healthcare.

In response to the third argument, the Examiner respectfully suggests that

Bessette discloses "a network distributed shared medical record (NDSMR) system that

includes two main components, a server 300 and a NDSMR database 302, with the

potential for each LAN within the health network to be connected to the server 300"

which corresponds to Applicant claimed feature (See Bessette, Col.7, lines 1-67).

Therefore, Applicant argument is not persuasive.

In response to the fourth argument, the Examiner respectfully suggests that Bessette

discloses a NDSMR administrator, be it a medical archivist, webmaster or some other

administrative appointee, also responsible for the maintenance and regular update of a

local medical information system" which corresponds to Applicant claimed feature (See

Bessette, Col.14, lines 22-67 to Col.15, line 51). Therefore, Applicant argument is not

persuasive.

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches system for web-based payroll and benefits administration (6,401,079), distributed access management of information resources (6,182,142) and system and method for improving efficiency of health care (US 2002/0077849).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V. F
V.F
May 23, 2003

JOSEPH THOMAS
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